

Message Text

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ACTION EA-10

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FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 5808

INFO AMEMBASSY SINGAPORE

AMCONSUL MEDAN

AMCONSUL SURABAYA

CINCPAC

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CINCPAC FOR POLAD--PLEASE PASS TO AMBASSADOR NEWSOM WITH ROUTINE
TRAFFIC

3.O. 11652: N/A

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SUBJ: HARIMAN SIREGAR GETS SIX YEARS

REF: A. JAKARTA 15275 B. JAKARTA 14057

1. UNIVERSITY INDONESIAN STUDENT COUNCIL CHAIRMAN
HARIMAN SIREGAR SENTENCED DECEMBER 21 TO SIX YEARS JAIL
TERM (MINUS PRE-TRIAL DETENTION TIME) FOR SUBVERSION IN
CONNECTION WITH 1973 STUDENT PROTEST MOVEMENT AND JANUARY
1974 JAKARTA RIOTS. JUDGE FOUND SIREGAR GUILTY OF INTENTIONAL
AND POLITICALLY-MOTIVATED COMMISSION OF SUBVERSIVE
ACTS WITHIN DEFINITIONS OF BROAD 1963 SECURITY DECREE.
JUDGE UPHOLD PROSECUTION CHARGE THAT SIREGAR ACTIVITIES
AIMED AT CHANGING MAIN POLICY GUIDELINES OF STATE. JUDGE
ASSERTED THAT IN "NORMATIVE" TERMS, SIREGAR ACTIONS HAD
"POLITICAL BACKGROUND AND MOTIVATIONS." JUDGE REJECTED
DEFENSE CONTENTIONS THAT 1963 DECREE NO LONGER VALID AND
THAT SIREGAR ACTS FELL WITHIN BOUNDS OF ACADEMIC FREEDOM
OR STUDENT "SOCIAL CONTROL" FUNCTIONS. JUDGE ALSO DISMISSED
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DEFENSE REFERENCE TO 1928 CASE INVOLVING FORMER

VICE PRESIDENT HATTA (REF B) AS IRRELEVANT SINCE SUBVERSION
LAW NOT IN EFFECT AT THAT TIME.

2. AS REPORTED BY PRESS, DECISION FOLLOWED
PATTERN SET BY PROSECUTOR IN CITING NO SPECIFIC INDIVIDUAL
OR INSTITUTIONAL POLITICAL CONNECTIONS BEHIND
SIREGAR. JUDGE ALSO MADE NO REFERENCE TO ANTI-SUHARTO
SIREGAR STATEMENTS ALLEGED BY PROSECUTOR, OR TO MAJOR
DEFENSE POINTS THAT MINDEF PANGGABEAN DESCRIBED PRE-
JANUARY 11 STUDENT ACTIONS AS "PURE" AND THAT SIREGAR
HAD OPPOSED HOLDING ANTI-TANAKA STUDENT RALLY JANUARY 15
WHICH COINCIDED WITH START OF RIOTING, COMMENT: DECISION
APPEARS TO BE OF NARROWEST POSSIBLE CONSTRUCTION FINDING
ONLY BASIC GUILD FOR SUBVERSIVE MOTIVATIONS.

3. ALTHOUGH TIGHT SECURITY MAINTAINED IN AND AROUND
CROWDED COURTROOM, MOST OBSERVERS HAD ANTICIPATED
NO DEMONSTRATIVE REACTION TO UNIVERSALLY EXPECTED GUILTY
VERDICT, AND NONE OCCURRED. ALTHOUGH SENTENCE IS ONLY
HALF THAT DEMANDED BY PROSECUTOR, IT FALLS ON HIGH SIDE
OF TWO-TO-SEVEN YEAR RANGE PREDICTED (I.E., HOPED FOR) BY
PRESS AND STUDENT OBSERVERS.

4. DEFENSE ANNOUNCED IT WILL APPEAL VERDICT; PROSECUTION
ALSO CONSIDERING APPEAL (WHICH UNDER INDONESIAN LAW COULD
RESULT IN REDUCED OR INCREASED SENTENCE). ATTENTION WILL
NOW FOCUS ON APPEALS PROCESS, WHERE DEFENSE WILL
AGAIN CONTEST CURRENT VALIDITY OF 1963 DECREE AS WELL AS
FACTUAL PROOF OF SIREGAR GUILT.
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